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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91168756
Party	Defendant Ebel International Limited Ebel International Limited Argyle House, 41 Cedar Avenue BMX Hamilton, HM12,
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FEDERATION DES INDUSTRIES	:	Opposition No. 91168756
DE LA PARFUMERIE	:	Opposition No. 91171997
	:	Opposition No. 91171998
Opposer	:	Opposition No. 91171999
	:	Opposition No. 91172000
v.	:	Opposition No. 91172002
	:	Opposition No. 91172004
EBEL INTERNATIONAL LIMITED	:	Opposition No. 91172006
	:	Opposition No. 91172557
Applicant	:	

**MOTION TO CONSOLIDATE PROCEEDINGS**

Applicant, Ebel International Limited (“Applicant”), moves pursuant to Fed. R. Civ. P. 42 (a) and TBMP § 511 to consolidate the above-referenced Opposition proceedings.

The Board has held that when cases involving common questions of law or fact are pending before the Board, the Board may order consolidation of the cases. TBMP § 511; *S. Industries Inc. v. Lamb-Weston Inc.*, 45 USPQ2d 1293, 1297 (TTAB 1997) (both proceedings involved the same mark and virtually identical pleadings); *Ritchie v. Simpson*, 41 USPQ2d 1859 (TTAB 1996), *rev’d on other grounds*, 170 F.3d 1092, 50 USPQ2d 1023 (Fed. Cir. 1999) (cases consolidated despite variations in marks and goods); *Hilson Research Inc. v. Society for Human Resource Management*, 27 USPQ2d 1423 (TTAB 1993) (opposition and cancellation consolidated); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991); and *Estate of Biro v. Bic Corp.*, 18 USPQ2d 1382, 1384 n.3 (TTAB 1991). In determining whether to consolidate proceedings, the Board will weigh the savings in time, effort, and expense which may be gained from consolidation, against any prejudice or inconvenience which may be caused thereby. TBMP § 511.

In this instance, Applicant believes that consolidation of the subject proceedings is warranted. Here, almost all of the proceedings sought to be consolidated were filed on the same

day or one-month apart, involve the same parties, similar marks, and the same questions of law and fact. Moreover, almost all of the proceedings are in the same procedural posture, in that eight out of nine are in the discovery period, and most have identical discovery and testimony dates, based on identical scheduling orders issued by the Board. Therefore, Applicant respectfully submits that consolidation would result in a savings of time, effort and expense, as well as judicial economy, and should result in no prejudice or inconvenience to Opposer. Further, Applicant requests that upon consolidation the Board reset the trial dates for the consolidated proceeding by adopting the trial dates as set in the most recently instituted of the cases being consolidated (Opposition No. 91172557).

In view of the foregoing, it is respectfully requested that the Motion to Consolidate be granted.

Respectfully submitted,

EBEL INTERNATIONAL LIMITED



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Dated: September 7, 2006

Attorneys for Applicant

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing has been served on Opposer's counsel Julie B. Seyler, Abelman Frayne & Schwab, 666 Third Avenue, New York, NY 10017, this 7<sup>th</sup> day of September 2006 marked first class mail postage prepaid.

  
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Efrain Brito

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